

E 386

.W58

Copy 2

LIBRARY OF CONGRESS



00005025138







LETTER

OF THE

ION. HUGH L. WHITE,

TO THE

LEGISLATURE OF TENNESSEE,

ON

LINING TO OBEY CERTAIN OF THEIR RESOLUTIONS OF INSTRUCTION,

AND

RESIGNING THE OFFICE

OF

SENATOR OF THE UNITED STATES.

WASHINGTON:

PRINTED AT THE MADISONIAN OFFICE.

1840.

Oct 2

E 386

.W58

copy 2.

Part y 312267

'23

EP. L. 24 Oct., 1840.

CORRESPONDENCE.

WASHINGTON, *January 13, 1840.*

SIR :

We have been deputed by a large number of your fellow citizens of both Houses of Congress, who had the happiness to hear in the Senate of the United States, to-day, your reply to sundry resolutions lately adopted by the Legislature of Tennessee relative to your course as one of her Senators in Congress, to request that you will be pleased to furnish them with a copy of that reply for publication.

Those in behalf of whom we now address you have been prompted to make this request as well by the high admiration so lucid an exposition of your principles could not but excite, as from the conviction, that going with the sanction of your deservedly exalted reputation before the American people, it must be productive of the most salutary effects upon the public mind.

Persuading ourselves to believe that you will not refuse to gratify this desire, in which we feel assured of the almost unanimous concurrence of your fellow citizens generally, we beg leave to subscribe ourselves,

With the most perfect respect,

Your obedient servants,

WM. D. MERRICK, of Maryland.

CHRISTOPHER MORGAN, of New York.

HON. HUGH L. WHITE, of Tennessee.

WASHINGTON, *January 14, 1840.*

GENTLEMEN :

I have read with great sensibility your kind note of yesterday, asking a copy of my answer to the General Assembly of Tennessee, which I read in the Senate of the United States.

I cannot do otherwise than comply with such a request, from such a quarter, and clothed in terms so highly flattering.

I have so little confidence in my own ability to say any thing worthy of preservation, that I very much fear when you peruse my answer you will find it was the novelty of the scene, rather than the matter contained in the document, which excited any interest in favor of its author.

Accept for yourselves and those whom you represent, my most grateful acknowledgments or the good opinion so kindly expressed, and believe that

I am, with the highest respect,

Your most obedient servant,

HU: L. WHITE.

The Hon. WILLIAM D. MERRICK, of Maryland, and

The Hon. CHRISTOPHER MORGAN, of New York.

LETTER.

IN THE SENATE OF THE UNITED STATES.

January 13th, 1840.

Mr. WHITE rose and addressed the Senate to the following effect:

Mr. PRESIDENT:—I have a duty to perform this morning, before we proceed to any regular order of the day. Presuming that the business of presenting petitions is now over, I proceed to discharge it with as little delay as possible.

When I reached this place on the twenty-ninth of November last, I was furnished by one of our officers with a letter, which contained several resolutions adopted by the Legislature of Tennessee, condemning one of the votes given by the Senators from that State, at the last session, and instructing them how to act in future, on many subjects. I believed my duty to my State, and to the public, would be best discharged by remaining in my seat, and continuing to attend to the business of the Senate, in the manner I had been accustomed to do, until some of the subjects *specifically* mentioned in the resolutions should be placed before the body for discussion. On this day of the last week, the Hon. Chairman of the Committee of Finance reported a bill, commonly called the Sub-treasury Bill, and gave notice that on this day he would ask for its consideration. This being one of the subjects mentioned in the resolutions, the time has arrived when, in my opinion, it is respectful to the Legislature of my State, that I should present them to this body, to the end that the members of it, as well as the community at large, may be made acquainted with what the General Assembly has chosen to express as public opinion in Tennessee. I move that the preamble and resolutions, which I now send to the Secretary, may be read, printed, and laid on the table.

After the resolutions had been read, Mr. WHITE proceeded and said,

Mr. President—As I am now a member of this body, and my instructions have been read and ordered to be printed, I consider it proper that I should follow the example set by others, and make equally public the conclusions to which I have come in relation to them.

The subjects of which they treat, are of vital interest to the country, and I am anxious that the opinions I entertain and express upon them should neither be *misunderstood* nor *misrepresented*; I will, therefore, take the liberty of deviating from my usual course of delivering my sentiments, (which has been not even to use notes,) and will now read the answer which I have prepared, and intend, without delay, to forward to the same body which adopted the resolutions.

Mr. WHITE then read his answer in the following words:

*To the Honorable the General Assembly
of the State of Tennessee.*

GENTLEMEN—On the 29th of November last, in the city of Washington, I received a copy of sundry preambles and six resolutions, which appear to have been adopted by you on the 14th of that month, instructing your Senators, and requesting the representatives in the Congress of the United States how to act on a variety of subjects.

An answer to the resolutions would have been immediately given had I not believed it my duty to remain at the post assigned me by your predecessors, until some of the matters specified in them should be presented to the Senate for its action. Although I might entertain an opinion different from that employed by your honorable body, and might be unwilling to surrender that opinion; yet if no case should be presented for the action of the Senate, in relation to which such difference of opinion existed, I could perceive no good reason why I should state what course I would pursue, upon a subject, which might never be presented for consideration. Now, however, bills are presented to the Senate upon some of the subjects embraced in your resolutions, and I deem it my duty, without farther delay, to inform you, that I cannot obey the instructions contained in some of those resolutions, and respectfully to assign some of the reasons which influence my conduct.

That I may be the better understood, I will notice each of the resolutions in the order in which they were adopted.

First. As one of your Senators, I am instructed "to vote against the chartering by Congress of a National Bank."

This instruction corresponds with the opinion I have repeatedly expressed and acted on, and I could now feel no difficulty in conforming my vote to your wishes on this subject.

Secondly. I am instructed "to vote for, and use all fair and proper exertions to procure the passage of the measure brought forward in the Congress of the United States, commonly called the Sub-Treasury Bill, or Independent Treasury Bill," &c. &c.

The following, with many other, reasons induced me to believe I ought not to comply with the instructions contained in this resolution.

It has often happened, and will generally be the case, that a considerable time must elapse between the receipt of public money from the debtor to the United States, and its disbursement to their creditors; during this interval the money will be much more safe in the custody of well selected Banks than it can be in the hands of individuals supposing them to be faithful.

Suppose any one of your honorable body had one hundred thousand dollars of his own money, which he did not intend to use for six or nine months, and lived in the vicinity of a Bank of respectable standing, would he keep the money in his own house, under his own care, or would he deposit it in Bank for safe-keeping until he wished to use it? If he was a prudent man, regarding his own interest, he certainly would deposit it.

Are we then justified in taking less care of the people's money than a prudent man would take of his own? With great deference to your better judgment, I think not.

It often happens that the receiving officers have on hand much larger sums than that named in the supposed case, and as the sum is increased and the time it is to be kept between its receipt and disbursement enlarged, the danger of loss, when in the hands of an individual, is increased likewise.

Again. All experience teaches us that large sums of public money left in the hands of individuals will be misused and squandered. It will either be used by the individual himself for his own purposes, or loaned to importunate friends whom he may wish to accommodate, and who are sure not to be able to return it when called for.

It is said Banks are irresponsible, therefore not to be trusted. In my opinion, generally, they are more responsible than individuals.—They have more means with which to pay, and if they fail to make payments when required, they are as much amenable to the process of a court of justice as individuals are; and in addition, they are to be found with much more certainty, as a corporation aggregate can very seldom abscond, or leave the country, which an individual easily can, and often does do when he misuses the public money.

We need all the checks which can reasonably be imposed on our collecting and disbursing officers. Banks have been found to furnish one highly beneficial upon both of these classes. By a regulation between the Treasury Department and each deposit Bank, the latter has been required at short periods to furnish its account current with the Treasurer, and on the face of it to show all sums deposited to his credit, when such deposits were made, and by whom. By comparing this account with the accounts furnished by the respective officers themselves, it can readily be discovered whether they are misusing the public money or not. By the proposed change, and allowing the collector or receiver to be himself the *keeper*, until the money is wanted for use, you have no check whatever, and the whole money received by an officer may be squandered before it is wanted for disbursement, without any means of detection.

I, therefore, conclude the Sub-Treasury Bill ought not to be passed, if there were no other objections to it save that of the public money being less secure. But there are other weighty objections.

The only plausible reason which can be assigned why we should discard Banks entirely and appoint Sub-Treasurers keepers of the public funds, must be, that the Banks are unworthy of confidence.

If that be so, does it necessarily follow that you ought either not to receive any Bank notes in discharge of its due to the government, or if received, that you should order the officer with whom they are deposited for safe-keeping, immediately to call upon the Banks for specie to their amount. It is absurd to say we will not deposit with the Bank, because we have no confidence in it, and at the same time to allow our officers to receive Bank notes and retain *them* in the hands of our officer up to the time we wish to pay the money away.—There is less probability that the Banks would redeem their notes in specie when called on, than that they would deny the payment of specie for money received on deposit.

The practice then of receiving nothing but specie from debtors, or of immediately converting the notes received into specie, and locking that up until the time of disbursement arrives must be resorted to, in order to carry out your wishes.

This I apprehend would be ruinous to society. A large portion of the specie that might otherwise circulate would be withdrawn from the use of every person a considerable portion of each year. This would effect the prices of property, of labor, and of every thing else, and would render it next to impossible for even a prudent man, who happened to be in debt, ever to extricate himself.

Beside this, the heavy draws for specie upon banks would compel them, in a short time, either to wind up or to do a very precarious business. Whenever a suspension of specie payments would take place, we would have a depreciated paper currency, on which to do the business of the country, and specie would become an article of merchandise.—The man in office, or who had a job or contract with the government would receive his salary or his pay in specie, which he would immediately sell for bank paper, receiving a premium of some ten or fifteen per centum, and with that paper pay his debts or purchase such property as he might wish. This practice is at this moment in operation. For every hundred dollars paid me as a member of Congress, I can receive one hundred and eight or nine dollars in bank notes, and with them pay the landlord who feeds or the tailor who clothes me.

It has appeared to me, if we commence this entire operation which your Resolution contemplates, and go into this thorough hard money system, we shall presently, in Tennessee, especially, be in a deplorable condition. Look at its effects: all debts and taxes are to be paid to the federal government in hard money, or in bank notes, for which the specie will be immediately received, and the specie thus received is to be locked up securely, until it is paid out in discharge of some debt due by the government. Suppose our first years taxes paid, in all the States amounting to some twenty-five or thirty millions of dollars. That is only to be returned into circulation when the federal government pays the debts which it owes. What chance will Tennessee have to receive, by federal disbursement, any portion of what she may have paid? We have no forts, no foundries, no arsenals, no fortifications, no army, no navy, navy yards or dry docks. In short, we have next to no objects upon which the federal government expends money, therefore none of it would be returned to us. We must pay up our full proportion of all indirect taxes in hard money, with a certainty that little or none of it would be returned to us by federal expenditures, and in the course of a very few years we must be drained of every hard dollar we now have.

There is another class of objections against this measure entitled, and I think, to still more grave considerations.

The addition it will make to the powers of the federal executive. Every officer with which the money is to be deposited, or left for safe-keeping, will be *appointed* by the President and *removable* at his pleasure. We might as well give *it* to the President himself as entrust it to those whom he can and will control.

This plan will multiply officers and increase considerably our expenses at its

commencement, and in the end no man can foresee the swarms of dependents it may generate, and the additions it may occasion to our expenditures of the public money.

By the use of the patronage already belonging to that officer, we all know and feel that a large portion of the power vested in the legislative department exists only in name; it is in substance vested in, and expressed by, the President as he wills; shall we, then, give him a controlling power over all the pecuniary resources of the federal government? For one I cannot consent to it.

Lastly, this Sub-treasury is nothing but a stepping stone to a bank created by the federal government, bottomed on its own funds, attached to the Treasury Department, and all placed at the control of the President, or of those who will never have any will which does not correspond with his.

It appears to me, no reasonable man can think if we commence this system we are to stop short of such a bank.

Let one year only pass with all your revenue in specie, and that locked up, your State Banks and paper currency deranged, and what then? Those who may wish to carry out this system will then recur to the sound doctrine advanced by the late President Jackson, "that the money of the country ought not to be kept locked up by the government, any more than the arms belonging to the citizens—both will be sure to be misused." And it will be urged that society is suffering for a sound circulating medium: we must pass a law authorizing this money to be loaned, the interest will ease us of the payment of much taxes, and by circulating Treasury notes or drafts drawn by one of these Treasurers upon another, we will have a sound paper currency, good every where and bottomed on a metallic basis. This doctrine will become the *democratic doctrine*, and every man who opposes it, will be denounced as a bank-bought federalist, the law will pass and in due form we shall have the *Treasury Bank*; and what then?

The purse and the sword will be united, and a power to increase the purse, as need may require, not by adding eagles and hard dollars to our funds, but by issues of paper, in such sums as may be deemed necessary and proper. This bank with its pecuniary means, and the credit and resources it will possess, can either destroy or render subservient to the views of the Executive any State Banks which may be in existence. The whole moneyed power not only of the federal government, but of all State Banks being thus placed in the hands of the President, he will be able to control the destinies of the country.

His *will* becomes the law of the land. He will never again have to appeal to "*the sober second thoughts of the people*" to carry any favorite measure. His first recommendation will always secure its speedy enactment into a law.

In the views which I take of this subject, I may be in error; but they are sincerely entertained. In the first instance, I placed my vote against it, under the belief that such were the sentiments of the people I represented. Afterwards, I was instructed by the Legislature to continue my opposition. I did so, from a conviction that I was right; and nothing would give me more pleasure than to conform my vote to your wishes, if the measure were an ordinary one, or if I believed the error of sanctioning it could be corrected; but, believing, as I do, that the power once granted to the Executive can never be recalled, and that its exercise will take from the people that freedom of thought and of action which alone entitles our government to be considered Free, I most respectfully, but decidedly, state that I *cannot and will not obey the instruction* contained in your second resolution.

Your third resolution unqualifiedly condemns the provisions of a bill of the last session, entitled, a bill to prevent the interference of certain federal officers in elections, declares the same to be a violation of the Constitution of the United States, unqualifiedly condemns the vote given in favor of said bill by my colleague and myself, and instructs your Senators to vote against, and to use all fair and proper exertions to prevent, the passage of the same, or any similar bill.

When my colleague and myself gave our votes in favor of that bill, we acted under the same solemn sanction of an oath to support the Constitution of the United States that the members of your honorable body did when they voted in favor of this condemnatory resolution. We had the benefit of very able arguments both for and against the bill. We examined it with all the care we could, and came to the conclusion that it was not unconstitutional, and believing that the prevailing practice of the President interfering in elections, both State and Federal, through the instrumentality of officers, who hold their places during his pleasure called loudly for a remedy, we voted in favor of its passage.

If your decision was final, I would not be so childish as to ask of you to reconsider the constitutional question.

To men of ordinary capacity, or equivocal moral character, I might make such a request, from a belief that the decision was a *hasty one*, produced by some *extraneous influence*, and that a more deliberate investigation of the subject might lead to a different conclusion; but, when I reflect that the *leading* members of that *majority* which passed the resolution are men as much distinguished by their moral character as by their *intellectual* attainments and *deep research* on objects connected with constitutional law, and see that my vote is not only "*condemned*," but "*unqualifiedly* condemned," I cannot hope that one of my humble pretensions could urge any thing which would occasion even a doubt in your minds of the correctness of your decision.

But there is a higher earthly tribunal than your honorable body, that will judge both *your* vote and *mine*, and pass sentence dispassionately, without any predisposition to *unqualifiedly* condemn either of us, but in charity hoping that each believed, when giving his vote, he was acting correctly. To that tribunal, then, *our common constituents*, through you, their immediate representatives, I beg leave respectfully and briefly to assign some of the reasons which influenced the vote complained of.

Every officer named in that bill holds his office at the *will* of the President, and is liable to be dismissed whenever it is the *pleasure* of the President to dismiss him. Each and every one of the offices is created by act of Congress.—The qualification for the office, the *tenure* of it, and the duties to be performed by the officers are, and were, matters of legislative enactment.

The President has no power to dismiss or control one of these officers, merely because he is President, but because Congress, *by law*, gave him that power. The bill itself expressly provided that all these officers should be secure in the *right to vote on all elections, according to their own judgment*, and only forbid their interference to control and influence the votes of others.

I affirm that Congress had the power to create these offices, or not, at its pleasure. That, when they were created, Congress could prescribe the duties of the officers. That, if it had been deemed necessary, Congress could have enacted that the officers should hold the office *during good behavior*; but that, if any one of the officers interfered to influence *the votes of others*, in any election, either State or Federal, it should be a *misdemeanor in office, for which he should be dismissed*.

When the bill complained of was under consideration, Congress had exactly the same power over the subject that it had when the offices were *first creating*.—They might have repealed the law entirely, and thus have turned out every one of these officers.

Suppose, instead of the bill complained of, a bill had been introduced and passed, stating that, whereas these officers were in the habit of interfering to influence the votes of the citizens in elections, therefore, Be it enacted, that the law creating their offices should be repealed, &c., would your honorable body venture the opinion that such law would have been unconstitutional, and that these officers would still have remained in office? I think not.

On the question of constitutional power, there can be no distinction between the case supposed and the bill complained of. If the one would have been constitutional, so is the other.

Prior to the year 1820, these officers held their office during *pleasure*. Congress then believed many of them had misdeameaned themselves, were defaulters, &c.; and, with a view to provide a remedy, on the 15th of May, in that year, an act was passed *changing their tenure*, and limiting each of them to the term of *four years*, and made them removable at pleasure within these four years. Has it ever been thought that act was unconstitutional? Not at all. Yet such an objection might have been urged with much more force in that case than in this.

The only reason assigned in your resolution why this bill was unconstitutional is, that it took from these officers the liberty of speech. and the Constitution provides that "Congress shall pass no law abridging the freedom of speech and of the press."

This provision in the Constitution was intended for the safety and protection of the common citizen who holds no office. It was foreseen that those *in office* might *abuse their trust*, and to protect themselves against exposure, might pass laws restraining the citizens from censuring them, either in speeches or through the press. Now, in your resolution, you exactly reverse the matter, and suppose it was intended to protect the instruments of the President, who hold office at his will, in their endeavors to influence and mislead the people in elections.—During the administration of the elder Mr. Adams, many complaints were made and charges urged, both in speeches and through the press, *by the citizens*, against him and those in office under him. With a view to silence the *citizens*, and to *maintain and shield those in office*, the sedition law was passed. The Republicans, one and all, condemned it as unconstitutional and unjust, and they were right in such condemnation.

Your resolution maintains now, exactly the same doctrines then advanced by the Federalists. They wished to silence the people, that they might retain their places and power, and your resolution seeks to allow the officeholders to go forth with all their power and influence, to *mislead and corrupt* the people—obtain their votes in elections, and thus *retain* their offices with all their *emoluments*.

Does your honorable body intend to affirm that Congress has no power to regulate the conduct of this class of officers?

Are they to be allowed to go forth on days of election, and with a view to procure votes for the President or his favorites, *promise money or offices, jobs or contracts*, by which much money may be made with but little labor? The officeholder, in making these *promises to influence* voters, would be using his *powers of speech*, which the resolution affirms Congress cannot *abridge* or lessen. If the proposition can be maintained, then Congress had better go home and yield up every thing to the President and the *corps who hold office at his pleasure*.

We will, after a little reflection, perceive that this resolution not only unqualifiedly condemns your Senators for their vote, but necessarily the conduct and opinions of others whom the country has most delighted to honor.

The only reason assigned in your resolution why this bill was unconstitutional is, that it *abridged the freedom of speech*.

If you are correct, how dare Mr. Jefferson, "the Apostle of Liberty," in his letter to Governor McKean, use the language he did on this subject? Still more, when he came into office as President, why did he dare to issue his circular letter, prohibiting this class of officers, on pain of dismissal, from interfering in elections farther than to give their own votes?

He was *sworn* to support the Constitution, and if Congress abridges the freedom of speech, secured by the Constitution, by the enactments proposed in this bill, it follows clearly that the *President in his circular violated the same provision*, by pronouncing the *like penalty* for the *like offence*?

I defy any person to condemn the one without condemning the other; unless, indeed, we suppose there is a class of politicians who believe the Constitution does not, and ought not to impose any restraint upon the President.

I fear such a sect has lately sprung up, and is increasing. It cannot be too speedily suppressed.

The late President, General Jackson, in his inaugural address, when "he was fresh from the people," inculcated the same doctrine with Mr. Jefferson. "To prevent the patronage of the Government from being brought into conflict with the freedom of elections, was a duty inscribed in characters too legible to be misunderstood," &c. was the strong language he then used. How was this duty to be discharged? Did we not, one and all, believe he would discharge it as Mr. Jefferson had done? If, then, these Presidents could, *without violating the Constitution, prohibit these officers from interfering in elections*, why could not Congress, by its enactments prohibit them likewise?

No satisfactory answer can be given to this question.

The President already had the power vested in him to dismiss these officers at his *pleasure*; and Congress unquestionably had the power to *limit his discretion*, by specifying the cases in which he should exercise it. If, then, my colleague and I erred on this question of power, with great deference I submit that, the company with which our opinions were associated ought, at least, to have softened the asperity of the language in which our condemnation was pronounced. If there was any one subject above all others, upon which I believed my colleague and I could not mistake the sentiment of our constituents, it was that embraced in that bill.

To prevent the President, through those officers, from interfering in elections, was a theme upon which the friends of the late President (Jackson) had dwelt the most, both in and out of Congress. In 1826, a committee of the Senate, of which I was a very humble member, through their chairman had made a most able report, the principles of which were applauded by the whole party, and *by our State in particular*. Upon them, mainly, General Jackson came into power; he gave them his solemn sanction in his inaugural address, in presence of thousands of witnesses. I had been twice elected after my opinions were well known upon this subject, and now, when I endeavor faithfully to carry them out, to be *unqualifiedly condemned* for doing so, and that by those who then *professed* to think as I sincerely did, was what I did not anticipate. I am sure that, upon this subject, my practice has corresponded with my professions. Still, I should feel degraded if I were to pronounce any old associate a traitor, or liken him to Benedict Arnold, because at this time he disagrees with me in opinion.

They are greatly mistaken who suppose the object of this bill was to take from this class of officers any right whatever. Precisely the reverse was the intention. It was to *emancipate them from the slavish bondage* in which they were held. It was to enable every man of them to vote according to the dictates of his own judgment, and to absolve them from the painful alternative of being compelled to, not only vote, but to electioneer for candidates not of their choice, but of the President, on pain of dismissal from office.

The great object was to prevent the President from *controlling the people* in the choice of their officers, State and Federal. This class of officers, whose daily bread for their families, depended on Executive favor, were constrained, as a part of their *official duty*, not only to vote *as the President wished*, but to endeavor to *influence others* to do so likewise. If they did not perform this duty they were dismissed, and with their families left to starve. An enlightened statesman once called them "the enlisted soldiers of the President."

A politician, who knows as well as any other man the motives by which men are influenced in relation to elections, says:—"Whenever he sees an office-holder interfering in elections, he concludes he is thinking of his salary and his bread

and is a very unfit adviser of the people." By the passage of this bill it was hoped the instruments for misleading the people would be taken from the President, that these "enlisted soldiers" would be discharged from electioneering duties and yet receive their pay; and that if they performed the duties of their offices faithfully, they might safely vote according to the dictates of their own judgment, and yet be secure in "their salaries and their daily bread."

By your fourth resolution, as one of your Senators, I am instructed to "vote against the measure heretofore brought before Congress, which had for its object the distribution among the States of the proceeds of the sales of the Public Lands."

In justice to myself, as well as to my constituents, I must be permitted to state the manner in which my mind has operated on this subject at different times, and under different circumstances.

When a bill was first introduced, having such distribution as that spoken of for its object, I voted against its passage, and in favor of the veto of the Chief Magistrate, on the ground that no such distribution ought to be made *until the public debt was all paid*.

Upon looking into the deeds, by which those lands were ceded to the United States, by the respective States, I found that they were conveyed in *trust*, to pay out of the proceeds of their sales, our public debt then owing by the United States, and that the residue should be for the joint benefit of each of the several States including those making the cessions.

At that time a portion of the Public debt was *unpaid*, and I deem it improper to distribute any part of this fund until the debt was fully discharged, that being the primary object of the donor.

When a like bill was afterwards introduced, I not only voted for it, but gave it such support as my feeble abilities enabled me.

By this time the public debt had been fully paid and we had a very large sum in the Treasury beyond the necessary wants of the Federal Government.

I could not doubt the power of Congress to make the distribution, because there was an express trust that this fund should be for the use of the respective States; we had a large sum on hand which I thought, in honesty, belonged to the States, and the proportion belonging to Tennessee, I believed, would be highly useful in enabling her to make internal improvements, and in providing a system for the education of those who might be unable to bear the expenses of educating themselves. In addition to these considerations, I perceived if this large sum was not distributed, it would encourage a system of extravagant expenditure inconsistent with the welfare of the country.

I still believe these views were sound, and that if I committed any error, it was not giving my support to the first bill as well as the last. I believe it would be unwise, perhaps unconstitutional, for the Federal Government to impose taxes for the purposes of collecting more money than is necessary to carry out its affairs, to the end that it might have a surplus to distribute among the States: but this fund stands on a different ground, it is a trust fund which belongs not to the Federal but to the State Governments.

The ordinary duties necessary and proper for the regulation of our commerce with foreign nations, ought to be sufficient to bring into the Treasury as much money as would defray the economical expenses of the Federal Government, and each of the States ought to receive its fair proportion of the proceeds of the sales of the public lands.

I consider Tennessee as honestly entitled to her proportion of this fund, as any of your honorable body is to a tract of land devised to him by his father.

It appears to me even at this time, our State very much needs her proportion of this fund, and that in a short time we shall be much more in want of it.

Your honorable body may be satisfied that a majority of our citizens are willing

to relinquish their interest in this fund, but I am not so satisfied, and as a Senator in Congress, I will not do any act by which such an idea is to be sanctioned.

It may be in the course of a very short time, that this fund will be indispensably necessary to save our citizens from *heavy taxation*, and I should never forgive myself, if by yielding to your instructions, I did an act which produced a serious injury to the people, who have so long honored me with their confidence.

By the last clauses in your fourth resolution, I am instructed to vote for graduating the price of the public lands, and for granting pre-emption rights to occupants.

These instructions correspond with the opinions I have maintained and acted on, therefore, I should find no difficulty in conforming to your wishes in relation to them.

In the fifth resolution, your instructions are "to vote for and use all fair and proper exertions to procure the passage of a law repealing the duties on imported salt."

This subject has been before the Senate on several occasions since I have been a member, and my votes have ever been in favor of removing this duty, and I should still conform my conduct to my settled conviction, that my past course on this subject has been correct.

In your sixth resolution you state, that you "heartily approve the leading measures and policy of the Administrations of Andrew Jackson and Martin Van Buren, and" instruct "your Senators to support in good faith, the leading measures and policy, as brought forward and advocated by the present President of the United States, and to use all fair and proper exertions to carry out, sustain and accomplish the same."

The phraseology of this resolution is so general and indefinite, that I am not sure I comprehend the meaning of your honorable body; but believe you intend that I shall support all the leading measures of the Chief Magistrate, as well those hereafter to be brought forward as those heretofore recommended.

To instructions of this description, I could not with propriety, pay any attention whatever.

Our fathers and statesmen believed they had done much towards the security of civil liberty, when, by the Constitution, they divided the great powers conferred into *three Departments*, each, in its sphere, independent of the other two. These were the Legislative, the Executive, and the Judicial.

If the powers of any two of these Departments should be placed in the same hands, the whole machinery of the Government is destroyed, and the checks interposed are removed.

You instruct your Senators to conform their votes on all the leading measures, to the will of the President, who is at the head of the Executive Department.—If you have a right to give such instructions, and your Senators are bound to obey, every other Legislature in the Union has the same right, and their Senators would be equally bound to yield obedience.

Why not let the President at once make the law and then execute it? If we are bound to vote as he recommends, it is a solemn mockery to consult us at all. The law would not be the will of the Senate, but the will of the President. By this process the whole legislative power would be yielded up and surrendered to the Executive.

I have been educated to believe, that continued watchfulness, and constant jealousy of those in power, are essential to the preservation of liberty.

Your honorable body would now teach me a different lesson, and instead of being a sentinel on the watchtower, to guard the liberty of my constituents, I am to betake myself to slumber, examine nothing, but vote on all leading measures as the President may recommend.

If this be the kind of service to which your Senators are to be applied, I never can perform it, and feel myself unsuited to a station, which I have heretofore considered most honorable as well as confidential.

After your Resolutions shall have performed their *wonted* office and my *resignation* shall have been received, before electing my successor, I hope in your wisdom you will either *rescind* or *expunge* this sixth Resolution. Our common constituents, the free and chivalrous citizens of Tennessee, I hope will ever be represented in the Senate by those whose principles and feelings are in accordance with their own; and while this Resolution is suffered to remain, no man can accept that high station but one who is himself *enslaved* and fit only to represent those in the like condition with himself.

I have now troubled you with all the remarks I deem it necessary to make upon your six Resolutions, taken separately, but do not feel that I will have discharged my whole duty until I have shown the deduction to be drawn from them when connectedly considered.

They contain the political creed of the present Chief Magistrate of the United States, as expressed through his friends in the Tennessee Legislature; and what is it?

By the 2d Resolution it is proved he wishes the whole moneyed power of the United States vested in him and subject to his control.

By the 3d it is proved he will not agree that the patronage and power he now exercises shall be either lessened or regulated by law.

By the 4th, it is proved that in order to have full coffers, he wishes the States to surrender their right to the moneys arising from the sales of the public lands, and

By the 6th, it is proved that he wishes Congress compelled to vote for every leading measure he may recommend, and I am instructed in good faith to give my aid to maintain this creed.

These instructions I cannot and will not obey. So far from it, my creed upon these points is:

1st. That the power over the public purse ought to be constantly kept under the control of the legislature.

2d. That the patronage as well as the expenditures of the Executive are already too large, and ought to be reduced.

3d. That instead of surrendering the rights of the States to any portion of the public moneys, they ought to adhere to those rights, and in due season provide for a fair distribution of the land funds; and

Lastly, for no consideration ought we to agree that any other portion of the Legislative power shall be vested, either directly or indirectly, in the President, save that which is already vested in him by the Constitution of the United States.

At last, no person can help seeing that the difference between your honorable body and myself is, that you wish to add to the power and patronage of the Executive, I wish to lessen his power and patronage.

On the decision of this contest by the American people, in my opinion, the liberty of the country depends. Should your creed prevail, ere long the whole Legislative power, vested in Congress by the Constitution, will be transferred, substantially, to the President, and the only use of Congress will be to *stand between the President and Public Odium*, when laws are enacted which are disapproved by the people.

In addition to this, the election of State officers, and State legislation, will be regulated according to the will of the Executive of the Union. Should mine prevail, the States will retain the powers they now possess—the powers of the Federal Government will remain divided into different departments in substance as well as form.

Which of these creeds will best secure the liberty, the happiness and prosperity of the people, I cheerfully submit for decision to the *Freemen of Tennessee*.

In England, this would be the common contest between the *prerogative of the crown* and the *privileges of the people*. Those maintaining your side would be called *Tories*, those maintaining mine would be called *Whigs*.

Here it is a contest between the *patronage of the President* and the *right of suffrage of the people*. I will not at present give those who maintain your creed any name—you may give those who maintain mine any one you choose.

"Names are nothing with me." My motto is, "Principles in preference to men;" while I sometimes think that of some of my opponents ought to be, "Men without principles;" though I would be sorry to intimate that such a motto would suit your honorable body.

I shall trouble you with no further observations on these important topics. It has been my aim to state my opinions with candor, and to maintain them with firmness; but, at the same time, to treat your honorable body with the most perfect respect.

I was called to the service of my State, fifteen years ago, without any solicitation on my part. With reluctance I accepted the high station I now occupy. I have been continued in it, perhaps, too long for the interest of the country. I have been thrice elected, by the unanimous vote of your predecessors. My services have been rendered in times of high party excitement—sometimes threatening to *burst asunder the bonds of this Union*—and your resolutions contain the *high compliment* that bitter political opponents can find only a *solitary vote* worthy, in their judgment, of "*unqualified condemnation*."

I hope it will be in your power to select a successor who can bring into the service of the State more talents—I feel a proud consciousness, more purity of intention, or more unremitting industry, *he never can*.

For the sake of place, I will never cringe to power. You have instructed me to do those things which, entertaining the opinions I do, I fear I would not be *forgiven for, either in this world or in the next*; and practising upon the creed I have long professed, I hereby tender to you my resignation of the trust confided to me, as one of the Senators from the State of Tennessee to the Congress of the United States.

Allow me to add my sincere prayer that the Governor of the Universe may so over-rule our *dissensions as to secure the liberty and promote the prosperity of our common constituents*.

I have the honor to be, gentlemen,

Your obedient servant,

HU. L. WHITE.

Senate Chamber, Jan. 11, 1839.

After which he proceeded and said,

Mr. President—I have now finished my task; henceforth, I am to cease being a member of this body. I cannot share with former associates, the *honors, the privileges, or the emoluments* of a Senator in the Congress of the United States. At the same time, I will be relieved from my portion of the *labors*, and from sharing with you the *high responsibilities* which necessarily pertain to the station.

In taking my leave of you, in the utmost sincerity my prayers are, that collectively and individually you may be enabled to pursue a course, which will afford you the highest comforts in this life; and that your labors may be so blessed as to secure you the grateful remembrance of the present and all succeeding generations.





WERT
BOOKBINDING
Grantsville, Pa.
Jan. - Feb. 1989
We're Quality Bound

